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EXAMINER
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KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/25/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/998,033

Applicant(s)  
Jeyachandran et al.

Examiner  
Victor R. Kostak

Art Unit  
2611



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 14, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 11-20, and 22-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 11-20, 22-26, and 28-31 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2611

1. Regarding a first matter addressed in a separate paper dated 4/4/03, applicant is correct in stating that three priority documents were submitted. The third one has in fact been received and is with the other two in the Office file. The Office regrets the inconvenience.

2. The abstract of the disclosure is objected to because the very last word in the Abstract should be changed from "controller" to --controlled--. Correction is required. See MPEP § 608.01(b).

3. Claims 4, 5 and 17 are objected to because of the following informalities:

(a) amended claims 4 and 5 must end with a period; and

(b) the second recitation of "said device" in the fourth line of claim 17 should be changed to -- the other device -- to avoid ambiguity with the first recitation of that device. Though a minor error, the examiner regrets not pointing this out in the last Office action.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for a patent published under section 122(b), by another filed in the United States before the invention by the applicant for a patent or (2) a patent

Art Unit: 2611

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United states and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 11-13, 16, 19, 20, 22-26 and 28-31 are now rejected under 35 U.S.C.

102(e) as being anticipated by Russell.

The system and method of Russell (noting particularly Figs. 1, 3, 5C and 13-16) includes requesting means (network administrator) 14 for requesting from a remote device (e.g. printer 4) an operation procedure for that device (e.g. col. 3 line 65 - col. 4 line 8; col. 8 lines 18-29); reception means for receiving the operation procedure (i.e. circuitry inherent and internal to PC 14 making possible the returned operation data in response to the initial request, not shown); and transmission means (likewise not shown, inherent and internal to PC 14) used to in turn send operation commands (e.g. 'print') to the selected device 4, thereby meeting claims 1 and 20.

As for claims 4 and 22, the system can accordingly request operation procedures from plural devices individually identified (as would be necessary), and the network administrator includes storage capabilities (e.g. col. 14 line 24+; col. 15 lines 30-33) for storing various device information including operations. The network station 14 can accordingly select any of the plural devices using unique identifiers (e.g. Fig. 15) which are requested and then received by station 14, which station then performs selected operations of the selected device based on the initially received operation procedures.

Art Unit: 2611

As for claims 5 and 23, the system can also access different types of devices (e.g. printers and scanners: col. 26 lines 4-11).

Regarding claim 11, the system communicates bi-directionally between the remote control station 14 and the devices (e.g. col. 15 lines 57-59; col. 25 line 49+).

As for claims 12 and 13, the system can route the operation commands through different channels (e.g. col. 11 lines 1-14; col. 14 line 27).

Considering claims 16 and 28-31, operation history is also stored for any one or all of the devices, which operations can be performed according to the stored histories (e.g. col. 37 line 35+).

As for claim 19, device operation can be changed by a status command, such as stopping printing due to low toner or paper jam (noting table 8).

The system of Russell also incorporates user and device ID's, for the clear purpose of accessing the specifically selected device by the individual responsible or authorized (e.g. col. 9 lines 37-40; col. 42 line 49), as would be necessary for operation and system monitoring and logging, thereby meeting claims 24-26..

5. Claims 1, 17, 18 and 20 are now rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (Additional claims which have been rejected above are also anticipated by Martin but not addressed herein in an effort not to be repetitive and exhaustive).

Art Unit: 2611

The system of Martin (noting particularly Figs. 1, 3 and 5) also includes requesting means (hosts 12 and 14) for requesting from a remote device (e.g. printer 13, 16) an operation procedure for that device (e.g. col. 5 line 56 - col. 6 line 26); reception means for receiving the operation procedure (i.e. circuitry inherent and internal to host 12 or 14 making possible the returned operation data in response to the initial request, not shown); and transmission means (likewise not shown, inherent and internal to host 12 or 14) used to in turn send operation commands (e.g. 'print') to the selected device 13, 16, thereby meeting claims 1 and 20.

As for claims 17 and 18, Martin also incorporates the ability to operate another device through a first device (e.g. Fig. 5) wherein, for example, a file from a first printer can be transferred to another printer (for eventual printing: col. 2 lines 58-65).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 15 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. Or Russell.

It would have been obvious to one of ordinary skill in the art to alter the communication paths between the requesting end and a selected device (or to select an alternate device) if a first

Art Unit: 2611

path or device is unavailable for any reason, for the clear purpose of accommodating the operator by carrying out the request regardless of the first option not being available, such as by re-routing the return path or by selecting a different device which is capable of carrying out the task requested. Such is suggested by both Russell (as he provided plural devices accessible by the network administrator and plural LAN lines) and by Martin, who specifically teaches selecting a different unit to carry out a job of an initially selected unit.

7. Claim 27 remains allowable over the prior art.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2611

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (703)-305-4374. The examiner can normally be reached on Monday through Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone (703) 306-0377.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE"; for informal or draft communications, please label "PROPOSED" or "DRAFT")



Art Unit: 2611

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Victor R. Kostak**

**Primary Examiner**



VRK

6/24/03